

Association Elections

Complaints and Appeals Procedure

1. Election Complaints

1.1 Submitting an Election Complaint

Any student who wishes to complain about an issue relating to the Students' Association elections (including the conduct of candidates) must do so in writing, by completing an Election Complaint Form in full and returning this to elections@eusa.ed.ac.uk. Complaints may not be made anonymously, but will be handled confidentially where possible; effective investigation may not be possible without revealing the identity of the complainant.

To be considered as an Election Complaint, a complaint must be submitted **within 24 hours of the alleged incident having occurred**, or come to light, **and no later than one hour before voting closes** in the relevant election period.

Complaints received after this time may be considered under the Association's standard Complaints Procedure (<http://www.eusa.ed.ac.uk/complaints/>), but will have no bearing on the outcome of the election.

1.2 Handling of Election Complaints

On receipt of an Election Complaint, the Assistant Returning Officer (or delegated authority) will consider the evidence provided and may seek to gather additional evidence in order to reach a decision on how to proceed.

The Assistant Returning Officer (or delegated authority) will provide a written response to the complainant within **one working day** of receipt of the complaint (complaints submitted after 5pm on a weekday, or over the weekend, will not be received until 9.30am on the next weekday).

The response will provide details of the evidence considered when reaching a decision, and information about any actions already taken or to be taken in the future to address any issues raised in the complaint.

The Assistant Returning officer may find that there is no action to be taken. Where there is evidence of misconduct by a candidate for election, the Assistant Returning Officer may take action under section 2.1 of these regulations. The Assistant Returning Officer may also refer a conduct issue involving a candidate or student to the University for consideration under the Code of Student Conduct (see 2.3 of these regulations).

Where a Conduct investigation is initiated against a candidate or student, the complainant will be informed of this, but will not be entitled to receive detailed information about any action taken against the other student.

1.3 Complaint Review

Where a complainant is dissatisfied with the response they have received to their complaint, they may request a review of the handling of the complaint by the Returning Officer. In order to request a review, the complainant must send a written statement explaining why they feel their complaint has been improperly handled, or what new information has come to light, to elections@eusa.ed.ac.uk; this will be forwarded to the Returning Officer for consideration.

Any such request must be submitted **within 24 hours of issue** of the original response to the complaint.

The Returning Officer will provide a written response to the complainant within **one working day** of receipt of the complaint (requests submitted after 5pm on a weekday, or over the weekend, will not be received until 9.30am on the next weekday).

The Returning Officer's response will either confirm the validity of the original response, or provide details of any further action taken, or to be taken in the future to address any issues raised in the complaint.

The Returning Officer's response is final.

2. Conduct of Candidates

2.1 Misconduct

An investigation into a complaint against an election candidate may provide evidence of misconduct by the candidate. Examples of such misconduct include:

- (a) Violation of any part of these Regulations
- (b) Bribery
- (c) Multiple voting
- (d) Interference with the actual voting
- (e) Conspiracy by the candidate acting in concert with others to commit any of the offences mentioned in (b) to (d)
- (f) Any offence listed in section 12 of the University of Edinburgh's Code of Student Conduct, if committed during an election campaign (see section 7.2.3 of these Regulations)

Candidates are regarded by this procedure as responsible for the conduct of their campaign teams; candidates may, therefore, be subject to conduct investigation and potential sanctions if a member of their campaign team commits an act of electoral misconduct.

2.2 Sanctions

Where there is evidence of misconduct, the Assistant Returning Officer (or delegated authority) will decide whether one of the following actions should be taken:

- a) The Assistant Returning Officer may apply one or more of sanctions i. to iv listed below.
- b) The Assistant Returning Officer may refer the matter as a case of serious misconduct to the Returning Officer. The Returning Officer may decide to take no further action, or may apply one or more of sanctions i. to viii. listed below.

The range of sanctions which may be applied are the following:

- i. Verbal Warning
- ii. Written Warning
- iii. Removal of Printing Allowance
- iv. Confiscation of Campaign Materials
- v. Removal of online publicity
- vi. Exclusion from the Hustings Debate
- vii. Requirement to make good any costs incurred as a result of damage caused by the candidate
- viii. Disqualification of candidacy

2.3 Relationship with the University of Edinburgh Code of Student Conduct

Where a candidate is suspected of having breached the University's Code of Student Conduct, the Returning Officer may refer the matter to the University for consideration under that Code. If the offence took place during the course of campaigning, the Returning Officer may also apply a sanction under section 2.2 of these Regulations.

Where the Students' Association receives a complaint or report of a potential breach of the University's Code of Student Conduct by a student who is not an election candidate during the course of campaigning, the matter may be referred to the University for consideration under that Code.

3 Appeals against Sanctions

3.1 Grounds for Appeal

Where a candidate has been issued with a sanction under section 7.2.2 of these regulations, they have the right to appeal against this. Appeals will only be accepted if they meet one or both of the following grounds:

- a) Relevant new information is provided, which for good reason was not available to the Returning Officer when their decision was taken;
- b) Evidence of irregular procedure or improper conduct in the election or in the investigation of the candidate's conduct.

3.2 Submitting an Appeal

Where a candidate wishes to appeal, they should send an email stating their intention to appeal to elections@eusa.ed.ac.uk **before the end of the voting period**. Emails must be sent from a University email account (e.g. s1111111@sms.ed.ac.uk). The candidate must then submit their full appeal in writing to elections@eusa.ed.ac.uk **within 24 hours of stating their intention to appeal**. The full appeal should include the following information:

1. Details of the decision the candidate is appealing against
2. On which ground (a or b, above) the candidate is appealing
3. An explanation of how the appeal meets this ground (or grounds)
4. What outcome the candidate is seeking as a result of the appeal

3.3 Consideration of Appeals

When an appeal is received, the Assistant Returning Officer (or delegated authority) will collect the available evidence and submit this for consideration by the Elections Appeal Committee. The Elections Appeal Committee consists of a minimum of three members (but must include at least one Students' Association Trustee), drawn from:

- One EUSA Student Trustee
- One EUSA External Trustee
- One EUSA Sabbatical Officer

The Elections Appeal Committee will communicate their decision to the candidate within five working days of receipt of the full appeal, and will provide a written explanation as to how they reached their decision. The decision will be one of the following:

- a) The appeal is not upheld; any sanctions stand
- b) The appeal is upheld; any sanctions are removed
- c) The appeal is upheld; any sanctions are reduced or varied

Decisions of the Elections Appeal Committee are final.